

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

MAY 22 2020

Clerk, U.S. District Court,
District Of Montana
Missoula

GARY LEE ENZLER,

CV 20-35-H-DLC-JTJ

Plaintiff,

ORDER

vs.

EVERYONE (INVOLVED),

Defendants.

Before the Court is the Findings and Recommendation of United States Magistrate Judge John Johnston, entered on April 23, 2020. (Doc. 4.) Judge Johnston recommends that the Court dismiss Plaintiff Enzler's Complaint (Doc. 2) as frivolous and/or malicious (Doc. 4). Enzler does not object to Judge Johnston's recommendation, but he instead filed a motion to appoint counsel, apparently on the advice of a person who is not an attorney. (Doc. 7.)

So, absent objection, the Court reviews Judge Johnston's findings and recommendation for clear error. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error is "significantly deferential" and exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States*

v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

The Court finds no clear error here. Characterized generously, Enzler's Complaint is unintelligible. Where Enzler's handwriting is legible, the Court agrees with Judge Johnston's determination that the Complaint appears to be a vehicle for Enzler to vent his frustrations with "everyone." (Doc. 2 at 1, 6.)

Accordingly, reviewing for clear error and finding none, IT IS ORDERED that:

- (1) Judge Johnston's Findings and Recommendation (Doc. 4) is ADOPTED IN FULL, and this matter is DISMISSED WITH PREJUDICE;
- (2) Enzler's motion to appoint counsel (Doc. 7) is DENIED AS MOOT;
- (2) The Clerk shall enter, by separate document, a judgment of dismissal.
- (3) The Court certifies, pursuant to Fed. R. App. Proc. 24(a)(4)(B), that any appeal of this disposition would not be taken in good faith.

DATED this 22nd day of May, 2020.



Dana L. Christensen, District Judge
United States District Court